

Jahan C. Sagafi (Cal. Bar No. 224887)
 Julia Rabinovich (Cal. Bar No. 290730)
 OUTTEN & GOLDEN LLP
 One Embarcadero Center, 38th Floor
 San Francisco, CA 94111
 Telephone: (415) 638-8800
 Facsimile: (415) 638-8810
 E-mail: jsagafi@outtengolden.com
 E-mail: jrabinovich@outtengolden.com

Justin M. Swartz (admitted *pro hac vice*)
 OUTTEN & GOLDEN LLP
 3 Park Avenue, 29th Floor
 New York, New York 10016
 Telephone: (212) 245-1000
 Facsimile: (646) 509-2060
 E-mail: jms@outtengolden.com

Gregg I. Shavitz (admitted *pro hac vice*)
 Susan H. Stern (admitted *pro hac vice*)
 Paolo C. Meireles (admitted *pro hac vice*)
 SHAVITZ LAW GROUP, P.A.
 1515 S. Federal Hwy., Suite 404
 Boca Raton, Florida 33432
 Telephone: (561) 447-8888
 Facsimile: (561) 447-8831
 E-mail: gshavitz@shavitzlaw.com
 E-mail: ssstern@shavitzlaw.com
 E-mail: pmeireles@shavitzlaw.com

Michael J. Palitz (admitted *pro hac vice*)
 SHAVITZ LAW GROUP, P.A.
 30 3rd Avenue, 5th Floor
 New York, NY 10022
 Telephone: (800) 616-4000
 Facsimile: (561) 447-8831
 E-mail: mpalitz@shavitzlaw.com

Seth R. Lesser (admitted *pro hac vice*)
 Fran L. Rudich (admitted *pro hac vice*)
 KLAFTER OLSEN & LESSER, LLP
 Two International Drive, Suite 350
 Rye Brook, NY 10573
 Telephone: (914) 934-9200
 Facsimile: (914) 934-9220
 E-mail: seth@klafterolsen.com
 E-mail: fran@klafterolsen.com

*Attorneys for Plaintiffs JASON ZAJONC,
 DENNIS FOWLER, and Proposed Class
 Members*

Melinda Riechert, SBN: 65504
 Jennifer Svanfeldt, SBN: 233248
 Roberta Vespremi, SBN 225067
 MORGAN LEWIS & BOCKIUS LLP
 One Market, Spear Street Tower
 San Francisco, CA 94105-1596
 Telephone: (415) 422-1000
 Facsimile: (415) 422-1001
 E-mail: mrieichert@morganlewis.com
 E-mail: jsvanfeldt@morganlewis.com
 E-mail: rvespremi@morganlewis.com

*Attorneys for Defendants MORGAN STANLEY
 & CO. LLC, MORGAN STANLEY SMITH
 BARNEY LLC, and MORGAN STANLEY*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO / OAKLAND DIVISION

JASON ZAJONC and DENNIS FOWLER,
 individually and on behalf of all others
 similarly situated,

Plaintiffs,

v.

MORGAN STANLEY & CO. LLC,
 f/k/a Morgan Stanley & Co. Incorporated,
 MORGAN STANLEY SMITH BARNEY
 LLC, and MORGAN STANLEY,

Defendants.

Case No. 14-cv-05563-EMC

Modified

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE FURTHER CASE
 MANAGEMENT CONFERENCE**

Complaint Filed: December 19, 2014

STIPULATION

WHEREAS, the Court's November 24, 2015 Clerk's Notice (ECF No. 115) set the Further Case Management Conference ("CMC") for January 28, 2016;

WHEREAS, per the Parties' request, on January 21, 2016, the Court continued the CMC to February 11, 2016 (ECF No. 119);

WHEREAS, per the Parties' request, on February 5, 2016, the Court continued the CMC to March 10, 2016 (ECF No. 121);

WHEREAS, the Parties have continued to meet and confer regarding the litigation generally and the timing of the CMC specifically;

WHEREAS, the Parties still do not currently have ripe issues for discussion but expect that an additional continuance of the CMC to March 24, 2016, will allow for a more meaningful discussion;

WHEREAS, this is the Parties' third request to postpone the CMC;

WHEREAS, Plaintiffs' motion for Rule 23 class certification is currently due by April 7, 2016;

WHEREAS, the Parties' agreements regarding discovery priorities and discovery deadlines make it impracticable for briefing on the class certification motion to be conducted in April;

WHEREAS, the Parties further request that the Court vacate all currently-calendared dates, allow the Parties to propose new dates in the next CMC Statement, and reset those dates at the next CMC; and

WHEREAS, the requested continuance of the CMC will not otherwise affect the schedule for the case.

ACCORDINGLY, THE PARTIES HEREBY STIPULATE AND AGREE to continue the CMC currently scheduled for Thursday, March 10, 2016 to Thursday, March 24, 2016. The Parties further agree that all currently-calendared dates be vacated. The Parties will submit an updated Case Management Statement seven days before the rescheduled CMC date.

IT IS SO STIPULATED.

1 Dated: March 2, 2016

By: /s/ Jahan C. Sagafi
Jahan C. Sagafi

2 Jahan C. Sagafi (Cal. Bar No. 224887)
3 Julia Rabinovich (Cal. Bar No. 290730)
4 OUTTEN & GOLDEN LLP
5 One Embarcadero Center, 38th Floor
6 San Francisco, CA 94111
7 Telephone: (415) 638-8800
8 Facsimile: (415) 638-8810
9 E-mail: jsagafi@outtengolden.com
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21 SHAVITZ LAW GROUP, P.A.
22 1515 S. Federal Hwy., Suite 404
23 Boca Raton, Florida 33432
24 Telephone: (561) 447-8888
25 Facsimile: (561) 447-8831
26 E-mail: gshavitz@shavitzlaw.com
27 E-mail: ss Stern@shavitzlaw.com
28 E-mail: pmeireles@shavitzlaw.com

Michael J. Palitz (admitted *pro hac vice*)
SHAVITZ LAW GROUP, P.A.
30 3rd Avenue, 5th Floor
New York, NY 10022
Telephone: (800) 616-4000
Facsimile: (561) 447-8831
E-mail: mpalitz@shavitzlaw.com

Seth R. Lesser (admitted *pro hac vice*)
Fran L. Rudich (admitted *pro hac vice*)
KLAFTER OLSEN & LESSER, LLP
Two International Drive, Suite 350
Rye Brook, NY 10573
Telephone: (914) 934-9200
Facsimile: (914) 934-9220
E-mail: seth@klafterolsen.com
E-mail: fran@klafterolsen.com

Attorneys for Plaintiffs and Proposed Class Members

1 Dated: March 2, 2016

By: /s/ Melinda S. Riechert
Melinda S. Riechert

Melinda S. Riechert
Jennifer Svanfeldt
Roberta H. Vespremi
MORGAN LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1596
Telephone: (415) 422-1000
Facsimile: (415) 422-1001
E-mail: mriechert@morganlewis.com
jsvanfeldt@morganlewis.com
rvespremi@morganlewis.com

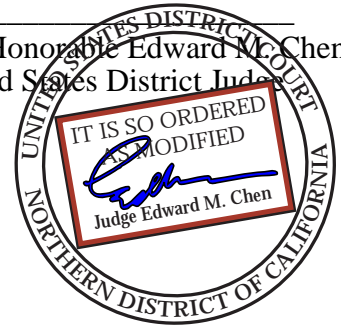
Attorneys for Defendants

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Further CMC is reset

13 Dated: March ⁴_____, 2016 to Weds. 3/23/16 at 4:00 pm*

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16 *Class certification schedule
17 previously set remains in place.
18 Court to discuss schedule at the 3/23/16
19 CMC. An updated joint CMC statement
20 shall be filed by 3/16/16.
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The Honorable Edward M. Chen
United States District Judge



ATTESTATION OF SIGNATURE

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatory above.

DATED: March 2, 2016

OUTTEN & GOLDEN LLP

By: /s/ Jahan C. Sagafi

Attorneys for Plaintiffs and Proposed Class Members